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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LUIS CASTILLO

12 Petitioner,

13 vs.

14 L. SMALL, Warden ,

Respondent.

CASE NO. 08cv1474 JM(AJB)


ORDER ADOPTING REPORT AND
RECOMMENDATION

15 Having carefully considered Magistrate Judge Battaglia's thorough and thoughtful Report and
16 Recommendation ("R & R") regarding the dismissal of the petition for writ of habeas as time barred,
17 the record before the court, the absence of any objections to the R & R, and applicable authorities, the
18 court adopts the R & R in its entirety.

19 In sum, the R & R is adopted in its entirety and the petition for writ of habeas corpus is
20 dismissed. The Clerk of Court is instructed to close the file.

21 **IT IS SO ORDERED.**

22 DATED: January 23, 2009

23 
24 Hon. Jeffrey T. Miller
United States District Judge

25 cc: All parties
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